IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9735 OF 2004

Mr.S.G.Page h/f Mr.S.R.Page for the Petitioner.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 3RD AUGUST,2005

P.C.:

1. The order that the suit is undervalued is based on the report of the valuer. Affidavit of the valuer was filed. The valuer was not cross-examined, therefore, the report has been accepted by the court and the finding is recorded that the suit is undervalued.

2. It is further submitted that when the court recorded a finding that the suit is undervalued, then it does not have the jurisdiction to entertain the suit, the court should

have returned the plaint to the Plaintiff.

3. In my opinion, when the court declares that the suit is undervalued and it does not have the jurisdiction to entertain the suit, if the Plaintiff wanted his plaint to be returned to him, then it was for the Plaintiff to make that application before the court. I do not find any substance in the petition. It is rejected.

...